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Intellectual Property Attorneys

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July 27, 2007

VIA FACSIMILE 571-273-6500

Refund Branch  
Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

We are writing to request a refund of an Information Disclosure Statement charge to our Deposit Account, which is no. 50-0881. The charge of \$180.00 was posted on June 4, 2007 and referenced application no. 10/628,588. Our law firm does not represent that application, but we had previously sent in an Information Disclosure Statement for application no. 11/628,588 on May 18, 2007. That application is still in the Initial Patent Examination stage. As we have not yet received an Office Action, we respectfully submit that no charge should be issued for the Information Disclosure Statement submitted, and that the above-referenced charge should be refunded.

We have attached hereto a copy of the deposit account statement, as well as the Information Disclosure Statement submitted (which shows the submission for application no. 11/628,588). Please verify receipt of this letter by facsimile (801-478-0076) and let us know if you require any additional details.

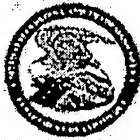
We appreciate your assistance in this matter.

Very truly yours,

Frank W. Compagni  
Registration No. 40,567

FWC/bal  
Enclosures: As noted

## Deposit Account Statement

United States  
Patent and  
Trademark Office

## Deposit Account Statement

Requested Statement Month: June 2007  
Deposit Account Number: 500881  
Name: MORRISS O'BRYANT COMPAGNI, P.C.  
Attention: JULIE K MORRISS  
Street Address 1: 136 SOUTH MAIN STREET, SUITE 700  
Street Address 2:  
City: SALT LAKE CITY  
State: UT  
Zip: 84101  
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/04	1	10628588	6970.02	1806	\$180.00	\$3,608.00
06/14	136	78758532		6005	\$100.00	\$3,508.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,788.00	\$280.00	\$0.00	\$3,508.00

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File No: 3851.RHP.PTSerial No.: 11/629,598 Atty: FWCDate of Mailing: 5-15-07

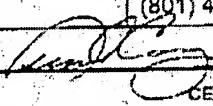

Please acknowledge receipt of:

- ☐ Application ( \_\_\_\_\_ pages)
  - ☐ Patent (PT,NP) ☐ Provisional ☐ Design
- ☐ Drawings ( \_\_\_\_\_ sheets; Figs \_\_\_\_\_ )
- ☐ Application Transmittal Sheet
- ☐ Fee Transmittal Sheet
- ☐ Non-Publication Request (PTO/SB/35)
- ☐ Declaration & Power of Attorney
- ☐ Assignment with Cover Sheet
- ☒ Certificate of Mailing
  - CFR § ☒ 1.8 ☐ 1.10
- ☐ Express Mail No. EV US
- ☐ Check in the amount of \$ \_\_\_\_\_
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- ☐ Amendment/Response
- ☐ CPA Transmittal Form
- ☐ Extension of Time Petition: \_\_\_\_\_ month
- ☒ IDS, PTO 1449 & References
- ☐ Issue Fee Transmittal
- ☐ Maintenance Fee Transmittal: \_\_\_\_\_ year
- ☐ Missing Parts Response
- ☐ Request for Continued Examination
- ☒ Transmittal Letter - General
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	11/628,588
	Filing Date	
	First Named Inventor	Keesjan Klant
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission (including this sheet)	99	Attorney Docket No. 3851.RHP.PT

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief <input type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Check in the amount of \$____ <input type="checkbox"/> Credit card authorization in the amount of \$____ <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawings _____ sheets <input type="checkbox"/> Format <input type="checkbox"/> Informal	<input type="checkbox"/> Extension of Time Request _____ month <input type="checkbox"/> Fee Calculation Table <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form 1449 <input checked="" type="checkbox"/> Copies of IDS References <input type="checkbox"/> Issue Fee Transmittal & Advance Order	<input type="checkbox"/> Maintenance Fee Transmittal _____ year <input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Other:
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Attorney for Applicant	Frank W. Compagni, Registration No. 40,567 MORRIS O'BRYANT COMPAGNI, P.C. 734 East 200 South Salt Lake City, Utah 84102 (801) 478-0071 telephone; (801) 478-0076 facsimile		
Signature		Date	5-18-07
CERTIFICATE OF MAILING UNDER 37 CFR § 1.8			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or Printed Name	Frank W. Compagni		
Signature		Date	5-18-07

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Keesjan Klant  
SERIAL NO.: 11/628,588  
FILING DATE:  
TITLE: METHOD AND DEVICE FOR  
PRODUCING A BEVERAGE  
  
ART UNIT:  
EXAMINER:  
  
DOCKET NO.: 3851.RHP.PT

CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Frank W. Compagni5-15-07  
Date of Deposit

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.98(a)(1), enclosed is Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed, pursuant to 37 C.F.R. § 1.97 (b), within three months of the filing date of the application, within three months of the date of entry of the national stage set forth in § 1.491 or before the mailing date of a first Office action on the merits. Applicant requests that the references cited in the enclosed form PTO-1449 be made of record in the above-captioned application. While no representation is made that any of the references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned

Commissioner for Patents  
Page 2

attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no reference which is more relevant to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with the waiver of 37 C.F.R. § 1.98(a)(2)(i) published in the Official Gazette on August 5, 2003 for U.S. patent applications filed after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed. Applicant has submitted copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. § 1.98 (a)(2). Any listed reference that is not in the English language is accompanied by a concise explanation in English of its relevance as required under 37 C.F.R. § 1.98(a)(3)(i).

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0881.

DATED this 15<sup>th</sup> day of May, 2007.

Respectfully submitted,



Frank W. Compagni  
Attorney for Applicant  
Registration No. 40,567  
MORRISS O'BRYANT COMPAGNI, P.C.  
734 East 200 South  
Salt Lake City, Utah 84102  
(801) 478-0071 telephone  
(801) 478-0076 facsimile

Substitute for form PTO-1449

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if known.

Application Number	11/628,588
Filing Date	
First Named Inventor	Keesjan Klant
Group Art Unit	
Examiner Name	
Attorney Docket	3851.RHP.PT

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-4,134,332	01-16-1979	Merman	
		US-			
		US-			
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document <sup>3</sup>	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	7*
		Country Code <sup>4</sup> - Number <sup>5</sup> - Kind Code <sup>6</sup> (if known)				
		WO 2004/004522	01-15-2004	Navarro		
		WO 99/02081	01-21-1999	Gschwend		
		JP 61 119141	06-06-1986	Toshiba Electric Appliance		

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.



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• Salt Lake City, Utah 84102  
• Phone: 801.478.0071  
• Fax: 801.478.0076

## FACSIMILE

TO: Refund Branch  
FAX NUMBER: 571-273-6500  
FROM: Frank W. Compagni  
DATE: July 27, 2007  
SUBJECT: 11/628,588  
FILE NO.: 3851.RHP.PT  
NO. OF PAGES  
TO FOLLOW: 7  
REMARKS:

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PAGE 1/8 \* RCVD AT 7/27/2007 12:49:26 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-210 \* DNIS:2736500 \* CSID:8014780076 \* DURATION (mm-ss):02-18



Document code: WFEE

United States Patent and Trademark Office  
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Adjustment date: 08/09/2007 SFELEKE1  
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